IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.633 OF 2004

IN

WRIT PETITON NO.292 OF 2002

Mr.Arun Patel ..Petitioner.

V/s.

The Union of & India & Ors. ..Respondents.

Mr.Samit Purohit with A.Sharma for petitioner.

Mr.H.V.Mehta with Y.R.Mishra & Y.S.Bhate for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 17TH JANUARY, 2005.

P.C. :-

1. Heard learned counsel for the petitioner and the respondents. Perused the affidavit dated 1/11/2004 in support o f the Notice of Motion. There is no affidavit-in-reply to contradict the same. For the reasons stated in the affidavit in support of the Notice of Motion, sufficient cause is made out for setting aside the order dated 18th December, 2001 passed by the learned Prothonotary & Senior Master. There is no case of inaction and want of bona fide on the part of the

petitioner. Notice of Motion is made absolute in terms of prayer clause (a) & (b).

2. Office objections shall be removed by the petitioner within a period of 2 weeks from today, failing which the earlier order of dismissal passed by the learned Prothonotary & Senior Master shall stand restored.

3. Place the petition on board for admission on 1st February, 2005.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)